

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

v. Maria Guadalupe Najera

## CRIMINAL COMPLAINT

aka: Lupita Hernandez-Martinez  
A205 877 800

YOB: 1976

the United Mexican States

Case Number:

United States District Court  
Southern District of Texas  
FILED

M-14-1966-M

aka: Maria Guadalupe Hernandez

10/10/14 to OCT 10 2014

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 8, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jose Emanuel Menchu-Sic, citizen and national of Guatemala and Julio Cesar Ramos-Ramos, citizen and national of Mexico and two (2) other undocumented aliens for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest in La Joya, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On October 8, 2014, at approximately 5:00 p.m., La Joya Police requested assistance from Border Patrol on a traffic stop to determine alienage on several subjects. Border Patrol Agents D. Smith and R. Payan responded to the call and met with Officer Cruz. Officer Cruz stated that he had conducted a traffic stop on a Chevrolet Cavalier for dark tint. Officer Cruz stated that the front window tint tested positive for 10% and did not meet the legal specifications of 25% for front window tint. The driver, Lupita HERNANDEZ-Martinez was unable to provide any form of identification and stated that she didn't know the two passengers because she had just picked them up at the Burger King in Rio Grande City, Texas. Moments later, Officer Cruz observed two male subjects emerge from the trunk of the car after they kicked in the back seat panel adjacent to the trunk. No passengers absconded and Border Patrol was then contacted for assistance.

## SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved & Filed.  
[Signature]  
10-10-14

[Signature]  
Signature of Complainant

Eduardo Cortez Senior Patrol Agent  
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

October 10, 2014  
Date

at McAllen, Texas  
City and State

Dorina Ramos, U. S. Magistrate Judge  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

*Maria Guadalupe Najera*  
M-14-1966-M

RE: *aka* Lupita Hernandez-Martinez A205 877 800  
*aka* Maria Guadalupe Hernandez

**CONTINUATION:**

Agent Smith questioned the driver, HERNANDEZ and the 4 passengers as to their citizenship and nationality and determined that they were all undocumented aliens illegally present in the United States. Agent Smith then placed HERNANDEZ under arrest and her Miranda Rights were read. HERNANDEZ was issued a citation for unauthorized glass, no DL and no proof of insurance.

All subjects were taken into custody and transported to the McAllen, Texas Border Patrol station for further processing.

**PRINCIPAL STATEMENT:**

Lupita HERNANDEZ-Martinez was advised of her Miranda Rights by Border Patrol Agents. HERNANDEZ understood her rights and provided a sworn statement without the presence of an attorney.

HERNANDEZ stated that she is a citizen and national of Mexico. She stated that four days ago she met a man by the name of Miguel at her friend Maribel's house in McAllen, Texas. He wanted to help her and offered to give her a car. In exchange she would drive four males from Rio Grande City, Texas to McAllen, Texas. She told Miguel that four males were too many but she would bring two males. She assumed the subjects were undocumented aliens by the way Miguel referred to "they need a ride over here to McAllen and I need someone to bring them for me". So, she agreed. On today's date, October 8, 2014, she and Miguel drove to Laredo, Texas in his truck to make a payment. On the way back they stopped at a store to make a purchase. On the back of the receipt he wrote a female's name and an IBC account number and gave it to her. She didn't know why Miguel gave her the information. They then drove to a Burger King which she believes was in Rio Grande City, Texas. Once there, Miguel pointed out the vehicle. She then exited his truck and got into the white car. She observed one male in the front passenger seat and a second male in the back seat. She proceeded to say hello and ask how they were doing. She then drove off. Once on the road, she heard the back seat passenger speaking to someone else. She then observed two other males in the trunk area of the vehicle due to they had opened the back seat panel adjacent to the trunk. The back seat panel was opened slightly forward so she was able to see them. She states she immediately phoned Miguel several times but got no answer. She states that at this time she knew these four males were present illegally in the United States. She kept driving and she kept checking the two males in the trunk by asking them if they were okay.

Once in La Joya, Texas, she was pulled over by La Joya Police Department for dark front window tint. Prior to the vehicle stop, the back seat passenger closed the back seat panel to conceal the two subjects in the trunk. She told the Officer that she didn't know the passengers because she had just picked them up at a Burger King in Rio Grande City, Texas. During the traffic stop, she didn't feel it was necessary to inform the officers of the two males in the trunk because they were eventually going to find them.

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*aka: Maria Guadalupe Hernandez*

**CONTINUATION:**

**MATERIAL WITNESSES STATEMENTS:**

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Jose Emanuel MENCHU-Sic stated that he is a citizen and national of Guatemala. On October 6, 2014, they entered the United States by wading across the Rio Grande River. He was traveling to California but was unwilling to discuss the smuggling arrangements. After crossing the river, they remained in the brush for two to three days. They finally came out of the brush and flagged a white vehicle down and they asked the female driver for a ride. They told the female driver that they were undocumented aliens. She then agreed to give them a ride but told them to get in the trunk due to her having problems with the law. They then drove until they were stopped by the police. MENCHU identified HERNANDEZ in a photo lineup as the driver of the vehicle.

2-Julio Cesar RAMOS-Ramos stated that he is a citizen and national of Mexico. On or about October 5, 2014, they waded across the Rio Grande River. He was traveling to New York, New York but refused to disclose any information regarding smuggling arrangements or smuggling fees. After they crossed the river they remained in the brush for about 2 to 3 days, until the white Chevrolet picked them up. He asked the female driver for a ride and told her that they were undocumented aliens. She then told him and one other passenger to get in the trunk because she had problems with the law. They then drove until they were stopped by the police. RAMOS identified HERNANDEZ in a photo lineup as the driver of the vehicle.